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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,443

10/26/2004

Margot Bestelmeyer

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06/01/2006

DENNISON, SCHULTZ, DOUGHERTY & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA, VA 22314

EXAMINER

SHAW, ELIZABETH ANNE

ART UNIT

PAPER NUMBER

3644

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hebert (4,316,433) in view of Reid (2,719,307). Hebert shows a device of caring for and cleaning dogs comprising a tub-like basin having a bottom and sidewalls 80 to accommodate a dog 16B, a perforated intermediate bottom IOA, see figs. 2, 3, as a standing area for the dog and is filled to a water level 82 such that the paws 19B of the dog are covered in water. Hebert does not teach the use of an air supply system. Reid shows an animal foot bath having a basin T a foot rest 10 having a first branch of an air system 26 arranged in the basin T with horizontally placed outflow openings 22 to allow air to pass through the openings with sufficient force to create bubbles in the water, such bubbles and water currents would possibly remove dirt from the animal in the bath, and connected to a blower (not shown). With respect to claim 59, to use the aeration system of the bath of Reid with the bath of Hebert would have been obvious to one skilled in the art in order to provide the animal with hydrotherapy.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 59 recites the limitation "the base surface" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

Claims 61-70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed Mar. 14, 2006 have been fully considered but they are not persuasive. It is considered that the bubbles of air when directed outwardly from the opening, since the aeration device is to be placed below the surface of the footrest, would by the nature of the liquid medium and the air's interaction with it be predisposed to travel laterally and/or downwardly as the bubbles meet the resistance of the foot rest or other bubbles without needing to hugely alter the direction flow of the openings .

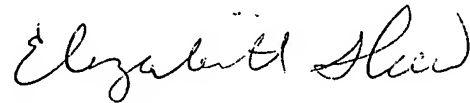
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 571-272-6908. The examiner can normally be reached on M-Th 10:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

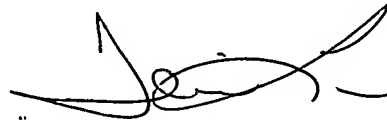
Art Unit: 3644

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Elizabeth A. Shaw
Examiner
Art Unit 3644

May 26, 2006



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SUPERVISORY
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